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### DEPARTMENT OF PLANNING AND LAND USE

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September 16, 2010

### MITIGATED NEGATIVE DECLARATION

Project Name: Kenyon 4 Lot Subdivision

Project Number(s): 3200 20857 (TPM) & 3500 10-014 (STP)

**This Document is Considered Draft Until it is Adopted by the Appropriate  
County of San Diego Decision-Making Body.**

This Mitigated Negative Declaration is comprised of this form along with the  
Environmental Initial Study that includes the following:

- a. Initial Study Form
- b. Environmental Analysis Form and attached extended studies for fire, stormwater, drainage, ground water, community character, biological resources and cultural resources.

1. California Environmental Quality Act Mitigated Negative Declaration Findings:

Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period; and that revisions in the project plans or proposals made by or agreed to by the project applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and, on the basis of the whole record before the decision-making body (including this Mitigated Negative

Declaration) that there is no substantial evidence that the project as revised will have a significant effect on the environment.

2. Required Mitigation Measures:

Refer to the attached Environmental Initial Study for the rationale for requiring the following measures:

**Tentative Parcel Map 20857**

**APPROVAL OF MAP:** THE FOLLOWING CONDITIONS SHALL BE COMPLIED WITH BEFORE A PARCEL MAP IS APPROVED BY THE DEPARTMENT OF PUBLIC WORKS AND FILED WITH THE COUNTY OF SAN DIEGO RECORDER: (Where specifically, indicated, conditions shall also be complied with prior to the approval and issuance of grading or other permits as specified).

A. BIOLOGICAL RESOURCES

1. **BIOLOGICAL EASEMENT: [DPLU, PCC] [DPR TC, GPM] [DGS, RP] [MA, GP, IP] [DPLU, FEE X 2]. Intent:** In order to protect wetlands pursuant to the Resource Protection Ordinance and mitigate for impacts to non-native grassland and big sagebrush scrub pursuant to CEQA, a biological open space easement shall be granted. **Description of Requirement:** Grant to the County of San Diego by separate document, an open space easement, as shown on the Approved Tentative Parcel Map. This easement is for the protection of biological resources and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space. Granting of this open space authorizes the County and its agents to periodically access the land to perform management and monitoring activities for the purposes of species and habitat conservation. The only exception(s) to this prohibition are:

1. Selective clearing of vegetation by hand to the extent required by written order of the fire authorities for the express purpose of reducing an identified fire hazard. While clearing for fire management is not anticipated with the creation of this easement, such clearing may be deemed necessary in the future for the safety of lives and property. All fire clearing shall be pursuant to the Uniform Fire Code and the Memorandum of Understanding dated February 26, 1997, between the

wildlife agencies and the fire districts and any subsequent amendments thereto.

2. Activities conducted pursuant to a revegetation or habitat management plan approved by the Director of Planning and Land Use.
3. Vegetation removal or application of chemicals for vector control purposes where expressly required by written order of the Department of Environmental Health of the County of San Diego.

**Documentation:** The applicant shall prepare the draft plats and legal descriptions of the easements, then submit them for preparation and recordation with the [DGS, RP], and pay all applicable fees associated with preparation of the documents. Upon Recordation of the easements, the applicant shall provide copies of the recorded easement documents to [DPLU, PCC] for approval. **Timing:** Prior to the approval of the map and prior to the approval of any plan and issuance of any permit, the easements shall be executed and recorded. **Monitoring:** The [DGS, RP] shall prepare and approve the easement documents and send them to [DPLU, PCC] and [DPR TC, GPM] for preapproval. The [DPLU, PCC] shall preapprove the language and estimated location of the easements before they are released to the applicant for signature and subsequent recordation. Upon Recordation of the easements [DGS, RP] shall forward a copy of the recorded documents to [DPLU, PCC] for satisfaction of the condition.

**2. LBZ EASEMENT: [DPLU, PCC] [DGS, RP][MA, GP, IP] [DPLU, FEEX 2]**

**Intent:** In order to protect sensitive biological resources, pursuant to CEQA, a Limited Building Zone Easement shall be granted to limit the need to clear or modify vegetation for fire protection purposes within an adjacent biological resource area. **Description of Requirement:** Grant to the County of San Diego a Limited Building Zone Easement as shown on the Tentative Parcel Map. The purpose of this easement is to limit the need to clear or modify vegetation for fire protection purposes within the adjacent biological open space easement and prohibit the construction or placement of any structure designed or intended for occupancy by humans or animals. The only exceptions to this prohibition are:

1. Decking, fences, and similar facilities.
2. Sheds, gazebos, and detached garages, less than 250 square feet in total floor area, that are designed, constructed and placed so that they do not require clearing or fuel modification within the biological open space easement, beyond the clearing/fuel modification required for the primary structures on the property.

3. Existing shed with a small portion extending into the Limited Building Zone.

**Documentation:** The applicant shall prepare the draft plats and legal descriptions of the easements, then submit them for preparation and recordation with the [DGS, RP], and pay all applicable fees associated with preparation of the documents. Upon Recordation of the easements, the applicant shall provide copies of the recorded easement documents to [DPLU, PCC] for approval. **Timing:** Prior to the approval of the map and prior to the approval of any plan and issuance of any permit, the easements shall be recorded. **Monitoring:** The [DGS, RP] shall prepare and approve the easement documents and send them to [DPLU, PCC] for pre approval. The [DPLU, PCC] shall preapprove the language and estimated location of the easements before they are released to the applicant for signature and subsequent recordation. Upon Recordation of the easements [DGS, RP] shall forward a copy of the recorded documents to [DPLU, PCC] for satisfaction of the condition.

3. **OPEN SPACE SIGNAGE: [DPLU, PCC] [MA, GP, IP] [DPLU, FEE].**  
**Intent:** In order to protect the proposed open space easement from entry, informational signs shall be installed. **Description of Requirement:** Open space signs shall be placed along the biological open space boundary of lots(s) 1 and 3 as indicated on the approved Biological Open Space Map (Figure 5 of the Biological Report). The signs must be corrosion resistant, a minimum of 6" x 9" in size, on posts not less than three (3) feet in height from the ground surface, and must state the following:

**Sensitive Environmental Resources  
Area Restricted by Easement**

Entry without express written permission from the County of San Diego is prohibited. To report a violation or for more information about easement restrictions and exceptions contact the County of San Diego,  
Department of Planning and Land Use  
Reference: TPM 20857; ER 04-15-002

**Documentation:** The applicant shall install the signs as indicated above and provide site photos and a statement from a California Registered Engineer, or licensed surveyor, that the open space signs have been installed at the boundary of the open space easement(s). **Timing:** Prior to the approval of the map and prior to the approval of any plan and issuance of any permit, the open space signs shall be installed.

**Monitoring:** The [DPLU, PCC] shall review the photos and statement for compliance with this condition.

**4. OPEN SPACE FENCING: [DPLU, PCC] [MA, GP, IP] [DPLU, FEE].**

**Intent:** In order to protect the proposed open space easement from entry and disturbance, permanent fencing or walls shall be installed.

**Description of Requirement:** Open space fencing or walls shall be placed along the biological open space boundary as indicated on the Preliminary Grading Plans. The fencing/walls design shall consist of 4 foot tall three strand non-barbed wire or split rail fencing.

**Documentation:** The applicant shall install the fencing or walls as indicated above and provide site photos and a statement from a California Registered Engineer, or licensed surveyor that the open space fencing has been installed. **Timing** Prior to the approval of the map and prior to the approval of any plan and issuance of any permit, the fencing or walls shall be placed. **Monitoring:** The [DPLU, PCC] shall review the photos and statement for compliance with this condition.

***PRE-CONSTRUCTION MEETING:*** *Prior to or during the Preconstruction Conference, and prior to any clearing, grubbing, trenching, grading, or any land disturbances, the following actions shall take place:*

**5. UPLAND ARROYO TOAD HABITAT AVOIDANCE: [DPLU, PCC] [DPW, PDCI] DPLU, FEE X2].**

**Intent:** In order to avoid impacts to the arroyo toad, which is listed as an endangered species pursuant to the Endangered Species Act, all construction, grading and clearing activities on-site will take place during the arroyo toad breeding season (defined as March 15-July 31). During their breeding season, the toads are most likely to stay within the riparian/creek area, which will be protected by a biological open space easement, and less likely to be in the upland impact area.

**Description of Requirement:** There shall be no brushing, clearing and/or grading allowed on-site between July 31 and March 15. The Director of Planning and Land Use [DPLU, PCC] may waive this condition, through written concurrence from the US Fish and Wildlife Service and the California Department of Fish and Game, provided that no suitable arroyo toad upland habitat or friable soils are present in the vicinity of the brushing, clearing or grading. **Documentation:** The applicant shall provide a letter of agreement with this condition; alternatively, the applicant may submit a written request for waiver of this condition. No Grading shall occur on-site between July 31 and March 15 until concurrence is received from the County and the Wildlife Agencies.

**Timing:** Prior to preconstruction conference and prior to any clearing, grubbing, trenching, grading, or any land disturbances and throughout the

duration of the grading and construction, compliance with this condition is mandatory unless the requirement is waived by the County upon receipt of concurrence from the Wildlife Agencies. **Monitoring:** The [DPW, PDCI] shall not allow any grading during the specified dates, unless a concurrence from the [DPLU, PCC] is received. The [DPLU, PCC] shall review the concurrence letter.

6. **ARROYO TOAD EXCLUSIONARY FENCING: [DPLU, PCC] [DPW, PDCI] [PC] [DPLU, FEE].** **Intent:** In order to prevent inadvertent disturbance to the endangered arroyo toad, temporary construction fencing shall be installed. **Description of Requirement:** To preclude arroyo toads from the proposed impact areas, arroyo toad exclusionary fencing will be installed around the proposed impact area prior to the commencement of any grading and/or clearing in association with this grading plan. The fence will consist of fabric or plastic at least two feet (0.61 m) high, staked firmly to the ground with the lower one foot of material stretching outward along the ground and secured with a continuous line of gravel bags. No digging or vegetation removal will be associated with the installation of this fence and all materials will be removed when the project is complete. Ingress and egress of equipment and personnel will use a single access point to the site. This access point will be as narrow as possible and will be closed off by exclusionary fencing when personnel are not on the project site. A County Approved Biologist shall supervise and verify placement of arroyo toad exclusionary fencing. **Documentation:** The applicant shall provide evidence that the fencing has been installed and have a California licensed surveyor certify that the fencing is located on the boundary of the impact area, with the concurrence of a County Approved Biologist (Biological Monitor). The applicant shall submit photos of the fencing along with the certification letter to the [DPLU, PCC] for approval. **Timing:** Prior to Preconstruction Conference, and prior to any clearing, grubbing, trenching, grading, or any land disturbances the fencing shall be installed, and shall remain for the duration of the grading and clearing. **Monitoring:** The [DPLU, PCC] shall either attend the preconstruction conference and approve the installation of the toad exclusionary fencing, or review the certification and pictures provided by the applicant.
7. **BIOLOGICAL MONITORING: [DPLU, PCC] [DPW,PDCI] [PC] [DPLU, FEE X3].** **Intent:** In order to prevent inadvertent disturbance to the endangered arroyo toad, all grading shall be monitored by a biological monitor. **Description of Requirement:** The County Approved Biologist shall perform the following duties before construction to comply with the conditions of this Grading Plan and Tentative Parcel Map:

- a. Prior to impacts, but after exclusionary fencing has been installed, at least three surveys for arroyo toads will be conducted within the fenced area by a Service-approved biologist. Surveys will be conducted during the appropriate climatic conditions during the appropriate time of day or night to maximize the likelihood of encountering arroyo toads. If climatic conditions are not appropriate for arroyo toad movement during the surveys, the biologist may attempt to illicit a response from the arroyo toads, during nights (i.e. at least one hour after sunset) with temperatures above 50 degrees Fahrenheit, by spraying the project area with water to simulate a rain event. If an arroyo toad is found within the project site during the surveys or the maintenance activities, all work will cease and "take" authorization will be obtained from the Service. [A Service-approved biologist will be able to identify arroyo toads visually and vocally and will have a minimum of 20 hours of survey experience for this species. To receive approval, the biologist will submit his/her resume and references to the Service for review and approval at least 10 days prior to initiation of project-related activities.]
- b. The County Approved Biologist shall attend the preconstruction meetings and other meetings to discuss construction requirements. Such meeting shall include the DPLU Permit Compliance Section.
- c. The County Approved Biologist will conduct a training session for all project personnel prior to proposed maintenance activities. At a minimum, the training will include a description of the arroyo toad, the general provisions of the Endangered Species Act (Act), the need to adhere to the provisions of the Act, the penalties associated with violating the Act, the general measures that are being implemented avoid and minimize impacts to listed species, and maintenance activity boundaries.

**Documentation:** The County Approved Biologist (Biological Monitor) shall prepare written documentation that all construction staff have been trained on arroyo toad avoidance. **Timing:** Prior to or during the Preconstruction Conference and prior to any clearing, grubbing, trenching, grading, or any land disturbances this condition shall be completed. **Monitoring:** The [DPW, PDCI] shall invite the [DPLU, PCC] to the preconstruction conference to coordinate the biological monitoring requirements of this condition. The [DPLU, PCC] shall attend the preconstruction conference and verify the installation of the temporary

fencing and approve the training documentation prepared by the biologist.

**GRADING PERMIT:** *(Prior to approval of any grading and or improvement plans and issuance of any Grading or Construction Permits.)*

8. **BIOLOGICAL MONITORING: [DPLU, PCC] [DPW, LDR] [GP, IP, MA] [DPLU, FEE X2]. Intent:** In order to prevent inadvertent disturbance to the federally endangered arroyo toad, all grading shall be monitored by a biologist. **Description of Requirement:** A County approved biologist "Project Biologist" shall be contracted to perform biological monitoring during all grading, clearing, grubbing, trenching, and construction activities. The following shall be completed:

- a. The Biologist shall perform the monitoring duties before, during and after construction pursuant to the most current version of [the County of San Diego Biological Report Format and Requirement Guidelines](#), and the arroyo toad conservation measures listed on the Preliminary Grading Plan. The contract provided to the county shall include an agreement that this will be completed, and a [Memorandum of Understanding \(MOU\)](#) between the biological consulting company and the County of San Diego shall be executed. The contract shall include a cost estimate for the monitoring work and reporting.
- b. The cost of the monitoring shall be added to the grading bonds that will be posted with the Department of Public Works, or bond separately with the Department of Planning and Land Use.

**Documentation:** The applicant shall provide a copy of the biological monitoring contract, cost estimate, and MOU to the [DPLU, PCC]. Additionally, the cost amount of the monitoring work shall be added to the grading bond cost estimate. **Timing:** Prior to the approval of any grading and or improvement plans and issuance of any Grading or Construction Permits, the requirement shall be completed. **Monitoring:** The [DPLU, PCC] shall review the contract, MOU and cost estimate or separate bonds for compliance with this condition. The cost estimate should be forwarded to [DPW, Project Manager], for inclusion in the grading bond cost estimate, and grading bonds. The [DPW, PC] shall add the cost of the monitoring to the grading bond costs.

**DURING CONSTRUCTION:** *(The following actions shall occur throughout the duration of the grading construction.)*



9. Access to the site will be via pre-existing access routes to the greatest extent possible. Project-related vehicle traffic will be limited to daylight hours as arroyo toads use roadways primarily during nighttime hours.
10. Activities that attract non-native insects (e.g., ants) and toad predators will be minimized by keeping the project site as clean as possible. All food-related trash will be placed in sealed bins or removed from the site.
11. Dust control (i.e., water truck spraying) will be performed at the direction of the biological monitor in a manner that does not attract toads into the action areas.
12. Excavations will be properly covered to prevent toads from entering any open pits.
13. Pets of project personnel will not be allowed on the project site;
14. Disposal or temporary placement of excess fill, brush or other debris will not be allowed in Pine Creek;
15. All equipment maintenance, staging, and dispensing of fuel, oil, coolant, or any other such activities will occur in designated areas outside of Pine Creek within the project impact limits (which will be fenced for arroyo toad exclusion according to note 2 above). These designated areas will be located in previously compacted and disturbed areas to the maximum extent practicable in accordance with storm water BMPs listed in the project Storm Water Management Plan, and will be shown on the construction plans. Fueling of equipment will take place within existing paved areas or designated fueling areas designed to contain fuel drips greater than 100 feet from Pine Valley Creek and tributaries to Pine Valley Creek. Contractor equipment will be checked for leaks prior to operation and repaired as necessary. "No-fueling zones" will be designated on construction plans.
16. **BIOLOGICAL MONITORING: [DPLU, PCC] [DPW,PDCI] [PC] [DPLU, FEE X3]. Intent:** In order to prevent inadvertent disturbance to the endangered arroyo toad, all grading shall be monitored by a biological monitor. **Description of Requirement:** A County Approved Biologist shall perform biological monitoring during all grading, clearing, grubbing, trenching, and construction activities. The Director of Planning and Land Use [DPLU, PCC] may waive this condition, through written concurrence from the US Fish and Wildlife Service and the California Department of Fish and Game, provided that no suitable arroyo toad upland habitat or

friable soils are present in the vicinity of the brushing, clearing or grading. The County Approved Biologist shall supervise and monitor grading activities to ensure against damage to biological resources that are intended to be protected and preserved. The monitor(s) shall be on site during all grading and clearing activities that are in or adjacent to any Biological open space areas. If there are disturbances to biological open space, the monitor must report them immediately to the [DPLU PCC]. Additionally, the biologist shall perform the following duties: **[DPLU, FEE]**

- a. Perform weekly inspection of fencing and erosion control measures (daily during rain events) near proposed preservation areas and report deficiencies immediately to the DPW Construction Inspector;
- b. Periodically monitor the work area for excessive dust generation in compliance with the County grading ordinance and report deficiencies immediately to the DPW Construction Inspector;
- c. Conduct training for contractors and construction personnel, including the purpose for resource protection, a description of the arroyo toad and its habitat, and the conservation measures that should be implemented during project construction;
- d. Monitor construction lighting periodically to ensure lighting is the lowest illumination possible allowed for safety, selectively placed, shielded, and directed away from preserved habitat;
- e. Monitor equipment maintenance, staging, and fuel dispensing areas to ensure there is no runoff to Waters of the US;
- f. Stop or divert all work when deficiencies require mediation and notify DPW Construction Inspector and DPLU Permit Compliance Section within 24 hours;
- g. Produce periodic (monthly during grading) and final reports and submit to the Wildlife Agencies and the DPLU (final report will release bond);
- h. Confer with the Wildlife Agencies and DPLU Permit Compliance Coordinator within 24 hours any time protected habitat or species are being affected by construction;
- i. Attend construction meetings and other meetings as necessary.

- j. A County Approved Biologist will be present during all ground disturbing activities and habitat disturbance to monitor the site for arroyo toads. The project biologist will be empowered to halt work activity if necessary and to confer with staff from the Service to ensure proper implementation of species and habitat protection measures. If during project implementation an arroyo toad is found within the project site, all work will be halted and take authorization will be obtained from the Service.
- k. The County Approved Biologist will be on call and available as needed throughout the construction activities and will be on site full-time, for two to three days, following any measureable rainfall.

**Documentation:** The County Approved Biologist shall prepare and submit to the satisfaction the [DPLU, PCC] monitoring reports, which indicate that the monitoring has occurred as indicated above. **Timing:** The listed actions shall occur throughout the duration of the grading construction. **Monitoring:** The [DPW, PDCI] shall assure that the County Approved Biologist is on-site performing the Monitoring duties of this condition during all applicable grading activities as determined by the County Approved Biologist. The [DPW, PDCI] shall contact the [DPLU, PCC] if the County Approved Biologist or applicant fails to comply with this condition. The [DPLU, PCC] shall review and approve the monitoring reports for compliance with this condition.

**ROUGH GRADING:** *Prior to rough grading approval and issuance of any building permit, the following actions shall occur:*

- 17. **BIOLOGICAL MONITORING REPORT: [DPLU, PCC] [RG, BP] [DPLU, FEE]. Intent:** In order to comply with the adopted Mitigation Monitoring and Reporting Program (MMRP) pursuant to TPM 20857, and the [County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Biological Resources](#), a Grading Monitoring Program shall be implemented. **Description of Requirement:** The County Approved Biologist shall prepare and submit a final letter report substantiating his/her supervision of the grading activities and substantiating that grading did not impact additional areas of arroyo toad habitat, RPO wetland or wetland buffer, or other sensitive biological resources. The report shall conform to the [County of San Diego Report Format Guidelines for Biological Resources](#). It shall also include but not be limited to the following items:

- a. Photos of the temporary fencing that was installed during the trenching, grading, or clearing activities.
- b. Monitoring logs showing the date and time that the monitor was on site.
- c. Photos of the site after the grading and clearing activities.

**Documentation:** The applicant shall submit the final biological monitoring report to the [DPLU, PCC] for review and approval. **Timing:** Upon completion of all grading activities, and prior to Rough Grading final Inspection ([Grading Ordinance SEC 87.421.a.2](#)), the final report shall be completed. **Monitoring:** The [DPLU, PCC] shall review the final report for compliance with the project MMRP, and inform [DPW, PDCI] that the requirement is completed.

**FINAL GRADING RELEASE:** *Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the following actions shall occur:*

**18. EASEMENT AVOIDANCE: [DPLU, PCC] [DPW, PDCI] [DPLU, FEE].**

**Intent:** In order to protect sensitive resources, pursuant to [County Grading Ordinance Section 87.112](#) the open space easements shall be avoided. **Description of Requirement:** The easement indicated on this plan is for the protection of RPO wetlands and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space. It is unlawful to grade or clear within an open space easement, any disturbance shall constitute a violation of the [County Grading Ordinance Section 87.112](#) and will result in enforcement action and restoration. The only exception(s) to this prohibition are:

- a. Selective clearing of vegetation by hand to the extent required by written order of the fire authorities for the express purpose of reducing an identified fire hazard. While clearing for fire management is not anticipated with the creation of this easement, such clearing may be deemed necessary in the future for the safety of lives and property. All fire clearing shall be pursuant to the Uniform Fire Code and the Memorandum of Understanding dated February 26, 1997, between the wildlife agencies and the fire districts and any subsequent amendments thereto.
- b. Activities conducted pursuant to a re-vegetation or habitat

management plan approved by the Director of Planning and Land Use.

- c. Vegetation removal or application of chemicals for vector control purposes where expressly required by written order of the Department of Environmental Health of the County of San Diego.

**Documentation:** The applicant shall provide a letter statement to the [DPLU, PCC] stating that all biological open space easements were avoided during the grading construction, and that no impacts or encroachment into the open space occurred. **Timing:** Prior to Final Grading Release the letter verifying the easements were not disturbed shall be submitted. **Monitoring:** The [DPW, PDCI] shall review the letter for compliance with this condition.

## B. CULTURAL RESOURCES

1. **ARCHAEOLOGICAL MONITORING: [DPW, PDCI] [DPLU, PCC] [PC] [DPLU, FEE X2]** **Intent:** In order to comply with Mitigation Monitoring and Reporting Program pursuant to TPM 20857, a Cultural Resource Grading Monitoring Program shall be implemented. **Description of Requirement:** The County approved 'Project Archaeologist,' Native American Monitor, and the DPLU Permit Compliance Coordinator (PCC), shall attend the pre-construction meeting with the contractors to explain and coordinate the requirements of the grading monitoring program. The following are responsibilities of the Archaeological Monitor to be discussed during the pre-construction meeting: *The Project Archaeologist (and Native American Monitor, if contracted) shall monitor original cutting of previously undisturbed deposits in all areas identified for development including off-site improvements. The grading monitoring program shall comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Archeological and Historic Resources.* **Documentation:** The applicant shall have the contracted Project Archeologist and Native American attend the preconstruction meeting to explain the monitoring requirements. **Timing:** Prior to or during the Preconstruction Conference, and prior to any clearing, grubbing, trenching, grading, or any land disturbances this condition shall be completed. **Monitoring:** The [DPW, PDCI] shall invite the [DPLU, PCC] to the preconstruction conference to coordinate the Cultural Resource Monitoring requirements of this condition. The [DPLU, PCC] shall attend the preconstruction conference and confirm the attendance of the approved Project Archeologist.

**GRADING PERMIT:** *(Prior to approval of any grading and or improvement plans and issuance of any Grading or Construction Permits.)*

2. **ARCHAEOLOGICAL GRADING MONITORING: [DPLU, PCC] [DPW, ESU] [MA, GP, IP] [DPLU, FEE X 2]** **Intent:** In order to mitigate for potential impacts to undiscovered buried archaeological resources on the project site, a grading monitoring program and potential data recovery program shall be implemented pursuant to the [County of San Diego Guidelines for Determining Significance for Cultural Resources](#) and [CEQA Section 15064.5 an 15064.7](#). **Description of Requirement:** A County approved Principal Investigator (PI) known as the "Project Archaeologist," shall be contracted to perform cultural resource grading monitoring and a potential data recovery program during all grading, clearing, grubbing, trenching, and construction activities on parcels 1,2 and 4. The following shall be completed:
- a. The Project Archaeologist shall perform the monitoring duties before, during and after construction pursuant to the most current version of the [County of San Diego Guidelines for Determining Significance and Report Format and Requirements for Cultural Resources](#), and this permit. The contract provided to the County shall include an agreement that the grading monitoring will be completed, and a [Memorandum of Understanding \(MOU\)](#) between the Project Archaeologist and the County of San Diego shall be executed. The contract shall include a cost estimate for the monitoring work and reporting.
  - b. The Project Archeologist shall provide evidence that a Qualified Native American of the appropriate tribal affiliation has also been contracted to perform Native American Grading Monitoring for the project.
  - c. The cost of the monitoring shall be added to the grading bonds that will be posted with the Department of Public Works, or bond separately with the Department of Planning and Land Use.

**Documentation:** The applicant shall provide a copy of the Grading Monitoring Contract, cost estimate, and [MOU](#) to the [DPLU, PCC]. Additionally, the cost amount of the monitoring work shall be added to the grading bond cost estimate. **Timing:** Prior to the approval of any grading and or improvement plans and issuance of any Grading or

Construction Permits, the contract shall be provided. **Monitoring:** The [DPLU, PCC] shall review the contract, [MOU](#) and cost estimate or separate bonds for compliance with this condition. The cost estimate should be forwarded to [DPW, LDR], for inclusion in the grading bond cost estimate, and grading bonds. The [DPW, PC] shall add the cost of the monitoring to the grading bond costs, and the grading monitoring requirement shall be made a condition of the issuance of the grading or construction permit.

***DURING CONSTRUCTION:*** *(The following actions shall occur throughout the duration of the grading construction.)*

3. **ARCHAEOLOGICAL MONITORING: [DPW, PDCI] [DPLU, PCC] [DPLU, FEE X2]** **Intent:** In order to comply with Mitigation Monitoring and Reporting Program pursuant to TPM 20857, and the [County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Archeological and Historic Resources](#) , Cultural Resource Grading Monitoring Program shall be implemented. **Description of Requirement:** The Project Archaeologist (and Native American Monitor, if contracted) shall monitor original cutting of previously undisturbed deposits in all areas identified for development including off-site improvements. The grading monitoring program shall comply with the following requirements during grading:
  - a. During the original cutting of previously undisturbed deposits, the Project Archaeologist and Native American Monitor shall be onsite as determined necessary by the Project Archaeologist. Inspections will vary based on the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. The frequency and location of inspections will be determined by the Project Archaeologist in consultation with the Native American Monitor. Monitoring of cutting of previously disturbed deposits will be determined by the Project Archaeologist.
  - b. In the event that previously unidentified potentially significant cultural resources are discovered, the Project Archaeologist, in consultation with the Native American monitor, shall have the authority to divert or temporarily halt ground disturbance operations in the area of discovery to allow evaluation of potentially significant cultural resources. At the time of discovery, the Project Archaeologist shall contact the DPLU Staff Archaeologist. The Project Archaeologist, in consultation with the DPLU Staff Archaeologist, shall determine the significance of the discovered

resources. Construction activities will be allowed to resume in the affected area only after the DPLU Staff Archaeologist has concurred with the evaluation. For significant cultural resources, a Research Design and Data Recovery Program to mitigate impacts shall be prepared by the Project Archaeologist and approved by the Staff Archaeologist, then carried out using professional archaeological methods.

- c. If any human bones are discovered, the Project Archaeologist shall contact the County Coroner and the DPLU Staff Archaeologist. If the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the Native American Heritage Commission, shall be contacted by the Project Archaeologist in order to determine proper treatment and disposition of the remains.

**Documentation:** The applicant shall implement the grading monitoring program pursuant to this condition. **Timing:** Throughout the duration of the grading construction. **Monitoring:** The [DPW, PDCI] shall make sure that the Project Archeologist is on-site performing the Monitoring duties of this condition. The [DPW, PDCI] shall contact the [DPLU, PCC] if the Project Archeologist or applicant fails to comply with this condition.

***ROUGH GRADING:*** *Prior to rough grading approval and issuance of any building permit, the following actions shall occur:*

4. **ARCHAEOLOGICAL MONITORING REPORT: [DPLU, PCC] [RG, BP] [DPLU, FEE]. Intent:** In order to comply with the adopted Mitigation Monitoring and Reporting Program (MMRP) pursuant to TPM 20857, and the [County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Archaeological Resources](#), a Grading Monitoring Program shall be implemented. **Description of Requirement:** The Project Archaeologist shall prepare one of the following reports upon completion of the grading activities that require monitoring:
  - a. If **no archaeological resources** are encountered during grading, then submit a final Negative Monitoring Report substantiating that grading activities are completed and no cultural resources were encountered. Monitoring logs showing the date and time that the monitor was on site must be included in the Negative Monitoring Report.



- b. If archaeological **resources were encountered** during grading, the Project Archaeologist shall provide a Monitoring Report stating that the field grading monitoring activities have been completed, and that resources have been encountered. The report shall detail all cultural artifacts and deposits discovered during monitoring and the anticipated time schedule for completion of the curation phase of the monitoring.

**Documentation:** The applicant shall submit the Monitoring report to the [DPLU, PCC] for review and approval. **Timing:** Upon completion of all grading activities, and prior to Rough Grading final Inspection ([Grading Ordinance SEC 87.421.a.2](#)), the report shall be completed. **Monitoring:** The [DPLU, PCC] shall review the report or field monitoring memo for compliance with the project MMRP, and inform [DPW, PDCI] that the requirement is completed.

## C. PALEONTOLOGICAL RESOURCES

**NOTE:** The following Grading and or Improvement Plan Notes shall be placed on the Final Grading Plans and made conditions of the issuance of said permits (Conditions C1 & C2 below)

***DURING GRADING:*** *(The following activities shall occur throughout the duration of grading.)*

1. **PALEONTOLOGICAL MONITORING DURING GRADING: [DPW, PDCI] [DPLU, PCC] [PC] [DPLU, FEE X 2]** **Intent:** In order to comply with Mitigation Monitoring and Reporting Program pursuant to TM 5236 RPL<sup>5</sup> a Paleontological Resource Grading Monitoring Program shall be implemented. **Description of Requirement:** This project site has marginal to low levels of sensitive Paleontological resources. All grading activities are subject to the [County of San Diego Grading Ordinance Section 87.430](#), if any significant resources (Fossils) are encountered during grading activities.
  - a. The grading contractor is responsible to monitor for paleontological resources during all grading activities. If any fossils are found greater than 12 inches in any dimension, stop all grading activities and contact the [DPLU, PCC] before continuing grading operations.
  - b. If **any** paleontological resources are discovered and salvaged, the monitoring, recovery, and subsequent work determined necessary shall be completed by or under the supervision of a Qualified

Paleontologist pursuant to the [San Diego County Guidelines for Determining Significance for Paleontological Resources](#).

**Timing:** The monitoring shall occur throughout the duration of the grading construction. **Monitoring:** The [DPW, PDCI] shall make sure that the grading contractor is on-site performing the Monitoring duties of this condition. The [DPW, PDCI] shall contact the [DPLU, PCC] if the grading contractor or applicant fails to comply with this condition.

**ROUGH GRADING:** *(Prior to rough grading approval and issuance of any building permit).*

2. **PALEONTOLOGICAL MONITORING FINAL REPORT: [DPLU, PCC] [RG, BP] [DPLU, FEE X 1]. Intent:** In order to comply with the adopted Mitigation Monitoring and Reporting Program (MMRP) pursuant to TM 5236 RPL<sup>5</sup>, and the [County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Paleontological Resources](#), a Grading Monitoring Program shall be implemented. **Description of Requirement:** One of the following letters shall be prepared upon completion of the grading activities that require monitoring:

- a. If **no** paleontological resources were discovered, submit a “No Fossils Found” letter from the grading contractor to the [DPLU, PCC] stating that the monitoring has been completed and that no fossils were discovered, and including the names and signatures from the fossil monitors. The letter shall be in the format of Attachment E of the [County of San Diego Guidelines for Determining Significance for Paleontological Resources](#).
- b. If paleontological **resources were encountered** during grading, a letter shall be prepared stating that the field grading monitoring activities have been completed, and that resources have been encountered. The letter shall detail the anticipated time schedule for completion of the curation phase of the monitoring.

**Documentation:** The applicant shall submit the letter report to the [DPLU, PCC] for review and approval. **Timing:** Upon completion of all grading activities, and prior to Rough Grading final Inspection ([Grading Ordinance SEC 87.421.a.2](#)), the letter report shall be completed. **Monitoring:** The [DPLU, PCC] shall review the final negative letter report or field monitoring memo for compliance with the project MMRP, and inform [DPW, PDCI] that the requirement is completed.

***BUILDING PERMIT:*** (Prior to the approval of any building plan and the issuance of any building permit).

**1. GEOTECHNICAL STUDIES: [DPLU, BD] [BP, UO]**

**Intent:** In order to identify that the project site is subject to Liquefaction as evaluated by the [County of San Diego Guidelines for Determining Significance](#), Geotechnical Report shall be prepared. **Description of Requirement:** A Geotechnical Study shall be prepared by a Registered Civil or Geotechnical Engineer, and submitted for approval by the by the [DPLU, Building Division] for Parcels 1, 2, and 4. The report shall specify foundation designs, which are adequate to preclude substantial damage to the proposed structure due to liquefaction. **Documentation:** The applicant shall prepare the report and submit it along with the submittal for the building plans. All recommendations of the report shall be incorporated into the design of the building. **Timing:** Prior to the approval of any building plan and the issuance of any building permit for Parcels 1, 2, and 4 the Geotechnical study shall be approved. **Monitoring:** The [DPLU, BD] shall review the Geotechnical Study for compliance with all applicable building codes, engineering standards, and this condition. If there are any recommendations to minimize effects of liquefaction, the [DPLU, BD] shall ensure that, they are incorporated into the project design.

***GRADING PERMIT:*** (Prior to approval of any grading and or improvement plans and issuance of any Grading or Construction Permits).

**2. PLAN CONFORMANCE: [DPW, ESU] [GP, IP,] [DPR, TC, PP]**

**Intent:** In order to implement the required mitigation measures for the project, the required grading plans shall conform to the approved Conceptual Grading and Development Plan pursuant to [Section 87.207 of the County Grading Ordinance](#). **Description of requirement:** The grading plans shall conform to the approved Conceptual Grading and Development Plan, which includes all of the following mitigation measures: biological, cultural and paleontological measures. All sheets of the plans shall be made conditions of the permit's issuance and shall be implemented pursuant to the adopted mitigation Monitoring and Reporting Program (MMRP) of this Permit. No deviation of the requirements can be made without modification of this permit. **Documentation:** The applicant shall submit the grading plans and improvement plans, which conform to the conceptual development plan for the project. **Timing:** Prior to approval of any grading or improvement plan and prior to issuance of any grading or construction permit, the notes and items shall be placed on the plans as required. **Monitoring:** The [DPW, Environmental Services Unit Division, DPR, TC, or DPLU, Building Division for Minor Grading] shall verify that the grading

and or improvement plan requirements have been implemented on the final grading and or improvement plans as applicable. The environmental mitigation notes shall be made conditions of the issuance of said grading or construction permit.

3. Critical Project Design Elements That Must Become Conditions of Approval:

The following project design elements were either proposed in the project application or the result of compliance with specific environmental laws and regulations and were essential in reaching the conclusions within the attached Environmental Initial Study. While the following are not technically mitigation measures, their implementation must be assured to avoid potentially significant environmental effects.

**Tentative Parcel Map (TPM20857)**

**APPROVAL OF MAP:** THE FOLLOWING CONDITIONS SHALL BE COMPLIED WITH BEFORE A PARCEL MAP IS APPROVED BY THE DEPARTMENT OF PUBLIC WORKS AND FILED WITH THE COUNTY OF SAN DIEGO RECORDER: (Where specifically, indicated, conditions shall also be complied with prior to the approval and issuance of grading or other permits as specified).

1. **COST RECOVERY: [DPLU, DPW, DEH, DPR], [MA, GP, IP]**

**Intent:** In order to comply with [Section 362 of Article XX of the San Diego County Administrative Code](#), Schedule B.5 existing deficit accounts associated with processing this map shall be paid. **Description of requirement:** The applicant shall pay off all existing deficit accounts associated with processing this map. **Documentation:** The applicant shall provide a receipt to the Department of Planning and Land Use, Zoning Counter, which shows that all discretionary deposit accounts have been paid. No map can be issued if there are deficit deposit accounts. **Timing:** Prior to the approval of any map and prior to the approval of any plan and issuance of any permit, all fees and discretionary deposit accounts shall be paid. **Monitoring:** The DPLU Zoning Counter shall review the receipts and verify that all DPLU, DPW, DEH, and DPR deposit accounts have been paid.

2. **PRIVATE ROAD EASEMENTS: [DPW, LDR] [FIRE] [MA].**

**Intent:** In order to promote orderly development and to comply with the [County Subdivision Ordinance Section 81.702](#) the easement(s) shall be provided. **Description of Requirement:**

- a. The Parcel Map shall show a minimum forty-foot (40') wide private road easement from Pine Valley Road easterly to terminate beyond the

driveways openings for Parcels 2 and 4 along and within the boundary of the land division.

- b. The Parcel Map shall show a minimum twenty-foot (20') wide private road easement from Pine Valley Road easterly to terminate at east boundary of Parcels 2 for access to Parcel 1 along and within the boundary of the land division. NOTE: The reduced private easement road width complies with the Subdivision Ordinance Sec. 81.702 (e).

**Documentation:** The applicant shall show the easement(s) on the parcel map. **Timing:** Prior to approval of the parcel map, the easement(s) shall be indicated on the parcel map. **Monitoring:** The [DPW, LDR] shall review the parcel map to ensure that the easements are indicated pursuant to this condition.

**3. OFFER OF ROAD DEDICATION: [DPW, LDR] [MA]**

**Intent:** In order to promote orderly development and to comply with the Subdivision Ordinance Sec. 81.703 through Section 81.705, the road shall be dedicated. **Description of requirement:** An offer of dedication shall be made to the County for public road purposes as indicated below:

- a. The offer to dedicate shall include the right-of-way required to complete a thirty-foot (30') wide, one-half right-of-way width, plus the right to construct and maintain slopes and drainage improvements as required beyond the thirty-foot (30') limit for that portion within the land division for Pine Creek Road. The Parcel Map shall be prepared to show the offer being accepted.
- b. Any dedication, offer of dedication, or grant of right-of-way shall be free of any burdens or encumbrances which would interfere with the purposes for which the dedication or offer of dedication is required, per [Section 81.705 \(a\) of the County Code](#), at the time of recordation of the Parcel Map. All easements of any type must be plotted on the Parcel Map. Or, the affected utility company/district shall enter into a joint use agreement with the County of San Diego to the satisfaction of the County of San Diego, Director of Public Works.

**Documentation:** The applicant shall prepare the map as indicated above and offer the dedication to the County. **Timing:** Prior to the approval of the parcel map, the offer of dedication shall be made to the County on the parcel map, and the note shall be placed on the map. **Monitoring:** The [DPW, LDR] [DPR, TC, PP] shall review the map for compliance with this condition. The [DPW, LDR] shall accepted the offer of dedication.

**4. LINES OF INUNDATION: [DPW, LDR] [MA]**

**Intent:** In order to prevent future development in the floodplain and to comply with [County Flood Damage Prevention Ordinance \(Title 8, Division 11, Chapter 5\)](#), the Flood Lines of Inundation shall be shown on the map. **Description of requirement:** Lines of inundation to the limits of the 100- year flood over the entire property shall be shown and labeled "Subject To Inundation By The 100-Year Flood" on the Parcel Map.

- a. A Civil Engineer, shall provide this information by annotating the copy of the approved Tentative Parcel Map.
- b. Each parcel shall have a flood- free building site. Since all parcels are found to be devoid of a buildable flood- free site for a residence, the subdivider shall construct graded pads elevated above the one hundred-year inundation elevation as determined by the applicant's Civil Engineer and to the satisfaction of the Director of Public Works.

**Documentation:** The applicant shall indicate the 100- year flood on the parcel map as indicated above. **Timing:** Prior to the approval of the parcel map, the inundation lines shall be indicated and labeled on the map. **Monitoring:** The [DPW, LDR] shall verify that the inundation lines have been indicated pursuant to this condition.

**5. PRIVATE ROAD MAINTENANCE AGREEMENT: [DPW, LDR] [MA].**

**Intent:** In order to ensure that the private roads approved with this subdivision are maintained, the applicant shall assume responsibility of the onsite and offsite private roads. **Description of Requirement:** A maintenance agreement shall be executed that indicates the following:

- a. Maintenance shall be provided through a private road maintenance agreement satisfactory to the Director of Public Works.
- b. The Director of Public Works shall be notified as to the final disposition of title (ownership) to the all private easement roads and place a note on the Parcel Map as to the final title status of said roads.

**Documentation:** The applicant shall a sign the private road maintenance agreement to the satisfaction of the Director of DPW and indicate the ownership on the map as indicated above. **Timing:** Prior to the approval of the map for the agreement shall be executed and the ownership shall be indicated on the map. **Monitoring:** The [DPW, LDR] shall review the executed agreement and the map for compliance with this condition.

**6. PAVEMENT CUT POLICY: [DPW, LDR] [GP, IP, MA]**

**Intent:** In order to prohibit trench cuts for undergrounding of utilities in all new, reconstructed, or resurfaced paved County-maintained roads for a period of three years following project surface, and to comply with County Policy RO-7 adjacent property owners shall be notified and solicited for their participation in the extension of utilities. **Description of requirement:** All adjacent property owners shall be notified who may be affected by this policy and are considering development of applicable properties, this includes requesting their participation in the extension of utilities to comply with this policy. No trench cuts for undergrounding of utilities in all new, reconstructed, or resurfaced paved County-maintained roads for a period of three years following project surface. **Documentation:** The applicant shall sign a statement that they are aware of the County of San Diego, Department of Public Works, Pavement Cut Policy to the satisfaction of the Department of Public Works (DPW), and submit it to the [DPW LDR] for review. **Timing:** Prior to the approval improvement plans and the approval of the map. The letters shall be submitted for approval. **Monitoring:** The [DPW, LDR] shall review the signed letters.

**PRIVATE IMPROVEMENTS:** *(The following Private Improvements shall be completed before the approval of the Parcel Map, or a covenant of improvements shall be executed and recorded).*

**7. COVENANT OF IMPROVEMENTS: [DPW, LDR] [MA]**

**Intent:** In order to allow the deferment of the private improvements required by Subdivision Ordinance Sec. 81.707, a covenant of improvements shall be executed and recorded if the private improvements listed in this decision are not completed before approval of the parcel map. **Description of requirement:** The applicant shall complete all of the private improvements or execute a Covenant of improvements **for Parcels 2, 3, and 4 and Parcel 1 ONLY** pursuant to the County Subdivision Ordinance Section 81.708. An improvement plan and cost estimate shall be prepared for the private improvements and the estimated costs of the improvements shall be included in the Covenant. The Covenant shall be recorded and noted on the parcel map **as follows:**

- a. Said Covenant shall be titled, "Covenant of Improvement Requirement, a Building Permit Prohibition." No Building permit or further grant of approval for the development can be issued until the applicant completes the required improvements and applies for and receives a release of improvements **for Parcels 2, 3, and 4** from the Director of Public Works pursuant to County Subdivision Ordinance Section 81.708, except a grading or construction permit and or permit to install utilities within the private easement may be issued.



- b. Said Covenant shall be titled, "Covenant of Improvement Requirement, a Building Permit Prohibition." No Building permit or further grant of approval for the development can be issued until the applicant completes the required improvements and applies for and receives a release of improvements **for Parcel 1 ONLY** from the Director of Public Works pursuant to County Subdivision Ordinance Section 81.708, except a grading or construction permit and or permit to install utilities within the private easement may be issued.

**Documentation:** The applicant shall prepare the improvement plans, provide a cost estimate as indicated below:

- a. Improvement Plans with sufficient detail shall be prepared for the purposes of providing the required estimate of cost for the private improvements. The covenant shall note the estimate of cost to install and/or construct any deferred improvements. The estimate of costs shall be based upon the approved improvement plans.
- b. The plans shall include a signed statement by the private engineer-of-work which states, "The plans are sufficient for the purpose of providing the required estimate of the cost for the private easement roads, private facilities, and any other private improvements deemed necessary pursuant to the County Subdivision Ordinance Section 81.708."
- c. The estimate shall have the engineer's signature and stamp on the front page along with a statement that reads, "The estimate of the approximate costs as of the date the estimate was prepared for the private improvements required by the final notice of approval and the County of San Diego Private Road Standards."

The applicant shall prepare the map with the covenants. The Covenants shall be placed on the face of the parcel map, and recorded with the map **for Parcels 2, 3, and 4; and for Parcel 1 ONLY**. **Timing:** Prior to the approval of the parcel map, the plans and the cost estimate shall be prepared and approved. **Monitoring:** The [DPW, LDR] shall verify that the cost estimate's validity, and that the plans can be approved, but shall stamped, "Not approved for construction," pursuant to this condition. The [DPW, LDR] Map Processing shall verify that the covenants are recorded on the map.

**8. PRIVATE ROAD IMPROVEMENTS (COVENANT): [DPW, LDR] [MA]**

**Intent:** In order to promote orderly development necessary for public health and safety of the area, and to comply with the Subdivision Ordinance Sec. 81.707



and 81.708, the required private improvements shall be completed or deferred.

**Description of Requirement:** Complete the following private road improvements as indicated below:

- a. The private easement road, from Pine Creek Road to the beginning of driveway on Parcel 3 **serving Parcels 2, 3, and 4 ONLY** shall be graded twenty-eight feet (28') wide and improved twenty-four feet (24') wide with asphalt concrete. The Improvement and Design Standards of Section 3.1(C) of the County Standards for Private Streets for one hundred (100) or less trips shall apply to the satisfaction of the Pine Valley Fire Protection District and the County of San Diego, Director of Public Works. [FIRE]
- b. The private easement road, from Pine Creek Road to the beginning of driveway on Parcel 1 **serving Parcel 1 ONLY** shall be graded twenty feet (20') wide and improved sixteen feet (16') wide with asphalt concrete. The Improvement and Design Standards of Section 3.1(C) of the County Standards for Private Streets for one hundred (100) or less trips shall apply to the satisfaction of the Pine Valley Fire Protection District and the County of San Diego, Director of Public Works. [FIRE]
- c. In the event these improvements are deferred, the subdivider shall execute such documents as deemed necessary by the County of San Diego, Director of Public Works, indemnifying the County from liability arising from the improvement of any off-site easement. This indemnification shall also be noted on the Parcel Map.
- d. The County of San Diego, Department of Public Works, shall be notified before any private road construction. Copies of the blueline plans shall be submitted and an inspection deposit shall be posted.
- e. The structural section for the private roads shall be approved by the County of San Diego, Department of Public Works Materials Laboratory, before construction activities commence pursuant to Section 3.2/3.11 of the San Diego County Standards for Private Roads.
- g. The private easement roads, shall have an unobstructed vertical clearance of thirteen feet, six inches (13' 6") to the satisfaction of the Valley Fire Protection District. [FIRE]

**Documentation:** The applicant shall complete the following:

- a. Process and obtain approval of the grading or Improvement Plans to improve: a) the private easement road, from Pine Creek Road to the beginning of driveway on **Parcel 3 serving Parcels 2, 3, and 4 ONLY**; b) the private easement road, from Pine Creek Road to the beginning of driveway on Parcel 1 **serving Parcel 1 ONLY**; and provide the cost estimates. All plans and improvements shall be completed pursuant to the [County of San Diego Private Road Standards](#) and the DPW [Land Development Improvement Plan Checking Manual](#).
- b. The improvements shall be completed and a secured agreement shall be executed pursuant to Subdivision Ordinance Sec. 81.708 and 81.710, for the required improvements, or execute a covenant of improvements to defer the requirements until after the map is recorded.

**Map Timing:** Prior to approval and recordation of the parcel map, this requirement shall be completed or recorded in the covenant of improvements.

**Covenant Timing:** No Building permit or further grant of approval for the development of **Parcels 2, 3, and 4; and of Parcel 1 ONLY** can be issued until the applicant completes the required improvements and applies for and receives a release of improvements from the Director of Public Works pursuant to [County Subdivision Ordinance Section 81.713](#), except a grading or construction permit and or permit to install utilizes within a the private easement may be issued.

**Monitoring:** The [DPW, LDR] shall review the plans for constancy with the condition and County Standards. Upon approval of the plans and cost estimate [DPW, LDR] shall have this condition placed in the covenant of improvements and recorded with the map.

**9. PAVEMENT CUT POLICY: (DEFERRED) [DPW, LDR] [GP, IP,MA]**

**Intent:** In order to prohibit trench cuts for undergrounding of utilities in all new, reconstructed, or resurfaced paved County-maintained roads for a period of three years following project surface, and to comply with County Policy RO-7 adjacent property owners shall be notified and solicited for their participation in the extension of utilities. **Description of requirement:** All adjacent property owners shall be notified who may be affected by this policy and are considering development of applicable properties, this includes requesting their participation in the extension of utilities to comply with this policy. No trench cuts for undergrounding of utilities in all new, reconstructed, or resurfaced paved County-maintained roads for a period of three years following project surface.

**Documentation:** The applicant shall sign a statement that they are aware of the County of San Diego, Department of Public Works, Pavement Cut Policy to the satisfaction of the Department of Public Works (DPW), and submit it to the [DPW LDR] for review. **Map Timing:** Prior to approval and recordation of the parcel map, this requirement shall be completed or recorded in the covenant of

improvements. **Covenant Timing:** Prior to the approval grading and improvement plans for the private road easement **serving Parcels 2, 3, and 4** and private road easement **serving Parcel 1 ONLY**, the letters shall be submitted for approval. **Monitoring:** The [DPW, LDR] shall review the signed letters.

**10. IMPROVEMENT CERTIFICATION: (DEFERRED) [DPW, LDR] [MA].**

**Intent:** In order ensure that the proposed work on the private road easement stays within the private road easement, and to comply with the Private road Standards and Subdivision Ordinance 81.702, a letter of certification shall be provided. **Description of Requirement:** The private easement road, from Pine Creek Road to the beginning of driveway on **Parcel 3 serving Parcels 2, 3 and 4** including all slopes, shall be constructed entirely within the easement, including drainage structures, for the benefit of the land division. If the slopes for the improvement fall outside of the easement, mitigating structures shall be utilized so the improvement is within the easement or a letter of permission shall be obtained and an engineer or surveyor shall further certify that letter(s) of permission have been obtained for work outside of the easement limits. **Documentation:** The applicant shall have a Registered Civil Engineer or a Licensed Land Surveyor provide a signed statement, which certifies that the improvements were constructed entirely within the easement, including drainage structures, for the benefit of the land division pursuant to this condition. **Map Timing:** Prior to approval and recordation of the parcel map, this requirement shall be completed or recorded in the covenant of improvements. **Covenant Timing:** No Building permit or further grant of approval for the development for **Parcels 2, 3, and 4** can be issued until the applicant completes the required improvements and applies for and receives a release of improvements from the Director of Public Works pursuant to County Subdivision Ordinance Section 81.708, except a grading or construction permit and or permit to install utilities within a the private easement may be issued. **Monitoring:** The [DPW, LDR] shall verify that this requirement has been placed in the Covenant of improvements for the parcel map. Upon completion of the improvements, the [DPW, LDR] shall verify the accuracy of the certification letter pursuant to this condition.

**11. IMPROVEMENT CERTIFICATION: (DEFERRED) [DPW, LDR] [MA].**

**Intent:** In order ensure that the proposed work on the private road easement stays within the private road easement, and to comply with the Private road Standards and Subdivision Ordinance 81.702, a letter of certification shall be provided. **Description of Requirement:** The private easement road, from Pine Creek Road to the beginning of driveway on **Parcel 1** serving Parcel 1 ONLY including all slopes, shall be constructed entirely within the easement, including drainage structures, for the benefit of the land division. If the slopes for the

improvement fall outside of the easement, mitigating structures shall be utilized so the improvement is within the easement or a letter of permission shall be obtained and an engineer or surveyor shall further certify that letter(s) of permission have been obtained for work outside of the easement limits.

**Documentation:** The applicant shall have a Registered Civil Engineer or a Licensed Land Surveyor provide a signed statement, which certifies that the improvements were constructed entirely within the easement, including drainage structures, for the benefit of the land division pursuant to this condition. **Map**

**Timing:** Prior to approval and recordation of the parcel map, this requirement shall be completed or recorded in the covenant of improvements for **Parcel 1 ONLY**. **Covenant Timing:** No Building permit or further grant of approval for the development for Parcel 1 ONLY can be issued until the applicant completes the required improvements and applies for and receives a release of improvements from the Director of Public Works pursuant to County Subdivision Ordinance Section 81.708, except a grading or construction permit and or permit to install utilities within a the private easement may be issued. **Monitoring:** The [DPW, LDR] shall verify that this requirement has been placed in the Covenant of improvements for the parcel map. Upon completion of the improvements, the [DPW, LDR] shall verify the accuracy of the certification letter pursuant to this condition.

#### **Site Plan (STP10-014)**

***ANY PERMIT:*** (Prior to the approval of any plan, issuance of any permit, and prior to occupancy or use of the premises in reliance of this permit).

1. **COST RECOVERY:** [DPLU, DPW, DEH, DPR], [GP, CP, BP, UO]

**Intent:** In order to comply with Section 362 of Article XX of the San Diego County Administrative Code, Schedule B.5, existing deficit accounts associated with processing this permit shall be paid. **Description of requirement:** The applicant shall pay off all existing deficit accounts associated with processing this permit. **Documentation:** The applicant shall provide a receipt to the Department of Planning and Land Use, Zoning Counter, which shows that all discretionary deposit accounts have been paid. No permit can be issued if there are deficit deposit accounts. **Timing:** Prior to the approval of any plan and prior to the issuance of any permit and prior to use in reliance of this permit, all fees and discretionary deposit accounts shall be paid. **Monitoring:** The DPLU Zoning Counter shall review the receipts and verify that all DPLU, DPW, DEH, and DPR deposit accounts have been paid.

***OCCUPANCY:*** (Prior to any occupancy, final grading release, or use of the premises in reliance of this permit).

**2. SITE PLAN IMPLEMENTATION: [DPLU, BI] [UO] [DPR, TC, PP].**

**Intent:** In order to comply with the approved project design indicated on the approved plot plan, the project shall be constructed as indicated on the approved building and construction plans. **Description of Requirement:** The site shall conform to the approved Site Plan 10-014 plot plans and the building plans. This includes, but is not limited to: improving all parking areas trails, parks and driveways, installing all required design features, painting all structures with the approved colors, trash enclosures are properly screened, required and approved signage is installed and located properly, and all temporary construction facilities have been removed from the site. **Documentation:** The applicant shall ensure that the site conforms to the approved plot plan and building plans. **Timing:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the site shall conform to the approved plans. **Monitoring:** The [DPLU, Building Inspector] and DPR [TC, PP] shall inspect the site for compliance with the approved Building Plans.

**3. CERTIFICATION OF INSTALLATION ACCORDING TO THE APPROVED SITE PLAN S10-014: [DPLU, BPR] [UO] [DPLU, FEE]**

**Intent:** In order to provide adequate Landscaping that addresses revegetation of disturbed soils, and avoidance of invasive, non-native, fire resistant vegetation as it relates to the Biological Open Space Easement and the 100' Limited Building Zone Easement, and to comply with the [COSD Water Efficient Landscape Design Manual](#), the [COSD Water Conservation in Landscaping Ordinance](#), and the COSD Grading ordinance, all landscaping shall be installed. Landscape Documentation Packages as required by Section 86.703 (3) of the Water Conservation in Landscaping Ordinance are not required of each lot owner due to the source of irrigation water being from individual private wells and no indication of connection to a public water supply. **Description of requirement:** All of the landscaping shall be installed pursuant to the approved Site Plan (S10-014) for TPM20857. This does not supersede any erosion control plantings that may be applied pursuant to [Section 87.417 and 87.418 of the County Grading Ordinance](#). These areas may be overlapping, but any requirements of a grading plan shall be complied with separately. The installation of the landscaping can be phased pursuant to construction of specific buildings or phases to the satisfaction of the [DPLU, Landscape Architect, PCC] [DPR, TC, PP]. **Documentation:** The individual property owners for Parcels 1, 2, and 4 shall submit to the [DPLU Landscape Architect, PCC], photographic proof confirming compliance with the landscape improvements shown on the approved Site Plan (S10-014) for TPM20857 prepared by Larry Walsh, RCE on July 11, 2010. Each parcel shall show how their leach field and expansion area have been re-vegetated to prevent soil erosion; trees and shrubs shall be shown as per plan with species listed in the Plant Legend. Trees shall be a minimum

15 gallon container size and shrubs shall be a minimum of a 5 gallon container size; Parcel 2 shall be further required to show how the abandonment of the existing gravel road has been re-vegetated to prevent soil erosion. Photos shall also show how roof drains have been positioned to deposit runoff during a rain event in to the landscaped areas and that the location will not facilitate any erosion. Show photos of required irrigation controller and a rain sensing override device. Each lot owner, including Parcel 3, shall be made aware that any subsequent landscaping on their parcels not identified on this site plan/tentative parcel map shall be fire resistant within the 100' Limited Building Zone Easement, and any vegetation adjacent to the Biological Open Space Easement shall be non-invasive and native to the surrounding area. **Timing:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the landscaping shall be installed. **Monitoring:** The [DPLU, Landscape Architect] shall verify the landscape installation upon notification of occupancy or use of the property, and notify the [DPLU, PCC] [DPR, TC, PP] of compliance with the approved Site Plan for TPM20857.

**ONGOING:** *(Upon establishment of use the following conditions shall apply during the term of this permit).*

4. **SITE CONFORMANCE:** [DPLU, PCO] [OG] [DPR, TC, PP].

**Intent:** In order to comply with Zoning Ordinance Section 7703, the site shall substantially comply with the approved plot plans and all deviations thereof, specific conditions and approved building plans. **Description of Requirement:** The project shall conform to the approved landscape plan(s), building plans, and plot plan(s). This includes, but is not limited to maintaining the following: all parking, trails, parks and driveways areas, watering all landscaping at all times, painting all necessary aesthetics design features, and all lighting wall/fencing and required signage. Failure to conform to the approved plot plan(s); is an unlawful use of the land, and will result in enforcement action pursuant to Zoning Ordinance Section 7703. **Documentation:** The property owner and permittee shall conform to the approved plot plan. If the permittee or property owner chooses to change the site design in any way, they must obtain approval from

the County for a Minor Deviation or a Modification pursuant to the County of San Diego Zoning Ordinance. **Timing:** Upon establishment of the use, this condition shall apply for the duration of the term of this permit. **Monitoring:** The [DPLU, Code Enforcement Division] is responsible for enforcement of this permit.

5. **PRIVATE ROAD MAINTENANCE:** [DPW, LDR] [BP, IP, GP, UO].

**Intent:** In order to ensure that the offsite private roads are maintained and not damaged during construction, the applicant shall assume responsibility.

**Description of Requirement:** The applicant is responsible for maintenance and repair, in case of damage caused by this project to the on-site and off-site private roads that serve the property during either construction or subsequent operations. **Documentation:** The applicant shall assume responsibility pursuant to this condition. **Timing:** Upon establishment of use, The following conditions shall apply during the term of this permit. **Monitoring:** The *[DPLU, Code Enforcement Division]* is responsible for enforcement of this permit.

**ADOPTION STATEMENT:** This Mitigated Negative Declaration was adopted and above California Environmental Quality Act findings made by the:

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on \_\_\_\_\_

Jarrett Ramaiya, Planning Manager  
Project Planning Division